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PATENT
Customer No. 22,852
Attorney Docket No. 06912.0188-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Steven J. BROWN et al.) Group Art Unit: 3619
Application No.: 10/086,920) Examiner: Unknown
Filed: March 1, 2002) Petitions Attorney: Cliff Congo
For: INFLATOR CAPABLE OF)
MODULATION AIR BAG)
INFLATION RATE IN A VEHICLE)
OCCUPANT RESTRAINT)
APPARATUS)

Mail Stop Petition

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUN 09 2003

OFFICE OF PETITIONS

Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

In a Decision Refusing Status Under 37 C.F.R. § 1.47(a) dated April 8, 2003, Applicants were informed by the U.S. Patent Office that the Petition Under 37 C.F.R. § 1.47(a) filed in this application on November 18, 2002 was deficient because it did not satisfy the requirement of an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63. Specifically, the oath or declaration was determined to be non-compliant because changes made by inventor Neale A. Messina were not properly initialed and dated by Mr. Messina.

In response to the Decision Refusing Status, Applicants submit herewith a new Reissue Declaration executed by Neale A. Messina, a new Reissue Declaration

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

executed by Larry S. Ingram, and a copy of the previously filed declaration executed by Steven J. Brown. The new declarations of Messrs Messina and Ingram include alterations that have been properly dated and initialed. Please replace the previously submitted Reissue Declarations with the Reissue Declarations filed herewith.

In view of the above, Applicants request the reconsideration and granting of the Petition Under 37 C.F.R. § 1.47(a) filed in this application on November 18, 2002.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Roland G. McAndrews
Reg. No. 41,450

Dated: June 4, 2003

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

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In re Reissue Application)
of U.S. Patent No. 6,036,226)
Inventors: Steven J. BROWN, et al.)
Application No.: 10/086,920) Group Art Unit: 3611
Reissue Filing Date: March 1, 2002) Examiner in prior application: A. Ririe
For: INFLATOR CAPABLE OF)
MODULATION AIR BAG INFLATION)
RATE IN A VEHICLE OCCUPANT)
RESTRAINT APPARATUS)

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ATTN: BOX REISSUE
Assistant Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

Sir:

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, Steven Joseph Brown, Larry Stefan Ingram, Neale Arthur Messina and Marek Tarczynski, all citizens of the United States, with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 6,036,226, granted on March 14, 2000, and for which a reissue patent is sought on the invention entitled, "INFLATOR CAPABLE OF MODULATION AIR BAG INFLATION RATE IN A VEHICLE OCCUPANT RESTRAINT APPARATUS."

2. We hereby claim the benefit under 35 U.S.C. § 119(e) of provisional patent application no. 60/037,234, filed in the United States on February 3, 1997.

3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed with the reissue application on March 1, 2002.

4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. We believe U.S. Patent No. 6,036,226 to be, through error and without deceptive intent, at least partly inoperative by reason of our claiming less than we had a right to claim in the patent.

6. An error, which is a statutory basis for reissue, is that we unnecessarily limited the scope of patent protection to which we are entitled. Claims 1-38 do not cover the full breadth of our disclosed invention, and we erred by not pursuing during the original prosecution additional, broader claims, such as those filed in the Preliminary Amendment included with this application. For example, Applicants' patent protection need not be limited to an apparatus including a sensor, as required by independent claims 1 and 32, and Applicants' patent protection need not be limited to an apparatus including a housing as claimed in independent claim 14. These elements are not required in new claim 39, for example.

7. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor Steven Joseph Brown	Inventor's Signature	Date
Residence North Granby, Connecticut	Citizenship U.S.A.	
Post Office Address 79 Mountain Road, North Granby, CT 06060		
Full Name of Second Inventor Larry Stefan Ingram	Inventor's Signature	Date
Residence Lawrenceville, New Jersey 08648	Citizenship U.S.A.	
Post Office Address 1 Dix Lane, Lawrenceville, New Jersey 08648		
Full Name of Third Inventor Neale Arthur Messina	Inventor's Signature <i>Neale Arthur Messina</i>	Date <i>5/8/03</i>
Residence Philadelphia, Pennsylvania 19103	Citizenship U.S.A.	
Post Office Address 639 Lafayette St., Newtown, Pennsylvania 18940 2310 Locust Street, Philadelphia, Pennsylvania 19103		
Full Name of Fourth Inventor Marek Tarczynski	Inventor's Signature	Date
Residence Princeton, New Jersey 08540	Citizenship U.S.A.	
Post Office Address 68 Wiggins Street, Princeton, New Jersey 08540		

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Full Name of First Inventor Steven Joseph Brown	Inventor's Signature	Date
Residence North Granby, Connecticut	Citizenship U.S.A.	
Post Office Address 79 Mountain Road, North Granby, CT 06060		
Full Name of Second Inventor Larry Stefan Ingram	Inventor's Signature <i>Larry Stefan Ingram</i>	Date <i>May 6, 2003</i>
Residence Lawrenceville, New Jersey 08648 WILLISTON, VT 05495	Citizenship U.S.A.	
Post Office Address 321 LAWNWOOD DR., WILLISTON, VT. 05495 1 Dix Lane, Lawrenceville, New Jersey 08648		
Full Name of Third Inventor Neale Arthur Messina	Inventor's Signature	Date
Residence Philadelphia, Pennsylvania 19103	Citizenship U.S.A	
Post Office Address 2310 Locust Street, Philadelphia, Pennsylvania 19103		
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1300 I Street, NW
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202.408.4000
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Post Office Address 79 Mountain Road, North Granby, CT 06060		
Full Name of Second Inventor Larry Stefan Ingram	Inventor's Signature	Date
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